



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL  
CLEANUP

**GENERAL NOTICE LETTER  
URGENT LEGAL MATTER  
PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED  
HAND DELIVERY  
ELECTRONIC MAIL DELIVERY**

**March 22, 2018**

**Brian Tibbets  
1222 and 1226 Overland Avenue  
Burley, Idaho 83318**

(b) (6)

Re: General Notice Letter for the Burley Demolition Asbestos Site in Burley, Idaho

Dear Mr. Tibbets:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the United States Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Burley Demolition Asbestos Site (Site) located at 1222 and 1226 Overland Avenue, Burley, Cassia County, Idaho. EPA is considering spending public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that you may be responsible under CERCLA for cleanup of the Site or costs EPA incurs in cleaning up the Site.

**Explanation of Potential Liability**

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for the payment of costs incurred by EPA to perform such cleanup actions. PRPs for the Site include current and former owners and operators of the Site, persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the Site as the destination for the disposal of hazardous substances.

Based on the information collected by EPA, as the current owner or operator of the Site, you may be liable under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), for the performance of response actions and payment of response costs. Specifically, EPA has reason to believe that asbestos, which is a hazardous substance under CERCLA, has been or may be released into the environment at or from the Site.

Stephen Ball is the Federal On-Scene Coordinator (OSC) for the Site. As the OSC, Mr. Ball has the authority to lead a response to a release or threatened release of hazardous substances, as provided in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300. Mr. Ball has determined that such a response action is necessary at the Site, and has orally informed you of this determination. You have represented to Mr. Ball that you are able to undertake the initial response action he deems necessary for the Site,

and that you will perform this work by no later than this Friday, March 23, 2018. EPA is planning to oversee this work. If for any reason, you are unable or unwilling to undertake the initial response actions, please inform Mr. Ball immediately of that decision. In the event you are unwilling or unable to perform this work, EPA will need to do so with the use of public funds, and, as mentioned above, you may then be liable for payment of the costs incurred by EPA.

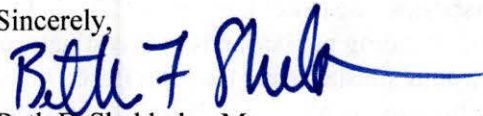
#### **Resources and Information for Small Businesses**

On January 11, 2002, the President signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act (Act). The Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review EPA guidance regarding the exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

EPA has also created resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act, and information on resources for small businesses is available at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact Stephen Ball at (208) 378-6510 and [ball.stephen@epa.gov](mailto:ball.stephen@epa.gov). Inquiries from your attorney should be directed to Richard Mednick, Associate Regional Counsel, at (206) 553-1797 or [mednick.richard@epa.gov](mailto:mednick.richard@epa.gov).

Sincerely,



Beth F. Sheldrake, Manager  
Emergency Response Unit